

First, Applicant's Response to Official Action filed on December 10, 2003 included an amendment to claim 1 specifically adding to the end of the claim the limitation the "double toothed face gear being slideably mounted on a housing of a differential of a vehicle." This limitation was the limitation found in original dependent claim 10. The amendment was made in response the Examiner's earlier Office Action mailed February 14, 2003. On page four of that Action under the title Allowable Subject Matter, the Examiner objected to dependent claim 10 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant amended claim 1 to include all of the limitations of claim 10 thereby putting claim 1 in condition for allowance pursuant to Examiners instructions. Applicant respectfully requests the Examiner withdraw the objection to amended claim 1 based on his earlier identification of claim 10 as containing allowable subject matter.

Additionally, neither Bagge nor Tomaselli disclose a doubled toothed face gear slideably mounted on the housing of a differential of a vehicle. Neither reference has that limitation nor do they suggest its use either individually or when combined.

The combination of Bagge and Tomaselli also fail to disclose other limitations of the invention. Contrary to the Examiner's statement on page 2 of the Official Action Bagge does not have a third cylindrical pinion 16 mounted to rotate with the first shaft and a fourth cylindrical pinion 21 mounted to rotate with the second shaft. The third and fourth pinions (16, 21) in Bagge are conical pinions not cylindrical pinions. This is a critical difference in the operation and assembly of the transmission.

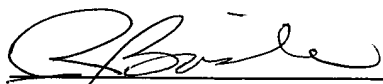
Also, Tomaselli does not disclose a double tooth faced gear the direction of the coupling teeth being perpendicular to the axis of the second shaft because Tomaselli

completely fails to disclose any coupling teeth. Tomaselli only indicates that the thrusts on the teeth are balanced by the possibility of the teeth floating Col. 2, lines 54 to 57. Neither Tomaselli nor Bagge disclose in any way a double faced tooth gear with coupling teeth in a perpendicular plane, Tomaselli doesn't have coupling teeth and Bagge has coupling teeth (19) but they are not perpendicular to the double faced gear teeth (17, 22).

The combination of Bagge with a propeller shaft with Tomaselli having a double toothed face gear integral to the output shaft (10) would not result in the invention but in a propeller shaft with an integral double toothed face gear without the claimed coupling teeth. Further there is no suggestion to combine Bagge with Tomaselli to achieve the invention related to a vehicle differential. In particular, introducing a differential to the drive shaft in Bagge would result in a drive shaft having two propellers separated by a differential with the end result being an inoperable two propellar outboard drive.

Because independent claim 1 is novel and should be allowed and because claims 2-9 are dependent claims, Applicant respectfully requests allowance of all the pending claims based on the preceding remarks and arguments.

Respectfully submitted,

 7/6/04

Richard J. Basile, Registration No. 40,501
Attorney for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155